

From: Sean OBrien (ospreyoutfitters@yahoo.com)

To: jimpetersonranch@gmail.com; tutvedt@montanasky.us; jessmann@mt.gov;
taylor@northernbroadcasting.com; cvvincent@hotmail.com; cwilliams@montanadsl.net;
glonky@aol.com; lakemill@montana.com;

Date: Tue, March 1, 2011 9:14:11 PM

Cc:

Subject: HB 309

EXHIBIT 7

DATE 3-8-11

HB 309

Dear Senators,

I am writing you this letter in regards to HB 309. ~~Under the state, I will not be able to spend the money on this bill on March 1st.~~ I would like to go on record as being adamantly opposed to this bill. I am a fly shop owner and fishing outfitter in Hamilton. I believe that this bill is not only bad for my business, but for the Montana economy as a whole. Anglers contribute millions of dollars to the Montana economy each year. Most anglers enjoy fishing in Montana due to the stream access laws. If this bill were to pass, it would block access to hundreds of miles of river that was once accessible. The loss of revenue to local economies would be catastrophic. In times like these, we can't afford any more negative economic impacts.

The current Montana Stream Access law is very specific when dealing with ditches. It is very clear that ditches are not part of this law. So why the sudden move to adopt an amendment? Several years ago some wealthy, out of state land owners were ruled against blocking access to Mitchell Slough. Since then, they have made several attempts to appeal but all have failed. Now, it seems they are behind legislation to block access to the slough. However, if this bill passes, it will have huge ramifications throughout the entire state. HB 309 will surely benefit the owners along Mitchell Slough but the costs will be felt by all resident and non-resident anglers. The way this bill is written entire river systems, such as the Bitterroot, Big Hole, Beaverhead, Big Horn to name just a few, could be deemed ditches. Furthermore, many side channels and sloughs would now be off limits. A very bad precedent would be set and there would be no going back.

The Montana Stream Access law is a great piece of legislation that benefits the not only the economy but resident and non-resident anglers. HB 309 is not only reckless; it is an attack on our way of life. If HB 309 is passed, it will start an erosion process that will completely undermine the Stream Access Law. The Montana Stream Access Law already specifically states that no public access is allowed, without permission, on any type of man made "ditch". I strongly object to the following points in HB 309:

1) A live, flowing braid or channel can be defined as a ditch if there is any kind of control structure at the head of the live channel, including 'natural features incorporated into the water conveyance system'

2) Recreational access is available only with landowner's permission on water bodies created at least in part by waters diverted from a natural water body where the diverted water is the principal source of water in the water body - think about low flows in August and September and the many Montana rivers and streams with side channels and braids that have diversion structures on them where return flow could be considered the 'principle source of water' in the river or stream.

I ask you all to carefully consider the costs to this bill. I also urge you to listen to all the citizens and non-residents that have written letters in opposition to this careless piece of legislation.

Good Fishn',

Sean O'Brien
Osprey Outfitters Fly Shop & Guide Service
406.363.1000-Shop
406.381.1004-Cell
www.ospreyoutfittersflyshop.com